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**DIRECTOR'S OFFICE
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RUTAN & TUCKER, LLP
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In re Application of :
Wayne C Boncyk et al. :
Application No. 09/992,942 :
Filed: November 5, 2001 :
For: IMAGE CAPTURE AND IDENTIFICATION :
SYSTEM AND PROCESS :

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed April 13, 2005 under 37 CFR §1.102(d) to make the application special.


A grantable petition under 37 CFR §1.102(d) and MPEP §708.02, section II (Infringement), must be accompanied by the required fee and a statement alleging:

- (1) that there is an infringing device or product actually on the market or method in use;
- (2) that a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringing; and
- (3) that he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art. Further, Applicant must provide a copy of each of the references deemed most closely related to the subject matter encompassed by the claims if the references are not already of record.

The petitioner meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant.

The application is being forwarded to the examiner for expedited prosecution.


Doris To
Special Program Examiner
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